

The Current Situation of the Application of Evidence of Forensic Phonetics in Courts of China

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Introduction

Since the *Provision on the Online Issuance of Judgment Documents by People's Courts*¹ passed by the Supreme People's Court of China on Nov. 2013, more than 100 million judgment documents (JD) have been published on the website of *China Judgement Online*². The online JDs provide an irreplaceable resource for big data analysis of numerous justice studies, including research on forensic phonetics (FP). For example, Bao et al. (2016) analyzed 14 JDs related to FP (495 JDs in total for 22 forensic disciplines) which cited the expert opinions given by the forensic practitioners in Institute of Forensic Science, Ministry of Public Security. Cao & Ding (2018) investigated 290 FP-related JDs in courts of six major cities in China. However, the whole application of FP evidence in all nationwide courts is still unknown.

Empirical Survey

In the present survey, 244 effective JDs were downloaded from the website of *itslaw*³. The target JDs in FP were selected in the light of these criteria: the regions of courts were restricted to 31 provinces in Mainland China; time was restricted to 2017; key words were restricted to several combinations of the commonest terms in FP, e.g. "recording" + "identification"; the actual-relative JDs in FP were narrowed down through further searching and reading; if more than one JDs were related to a specific report, only one JD was selected as the target JD. Dozens of variables were extracted and analyzed from the target JDs.

Results

Our survey revealed the following results:

(1) Forensic institutes and caseload.

At least 62 forensic institutes/ laboratories in 22 provinces provided services of FP for courts at all levels in 27 provinces. The governmental institutes (22), private institutes (21), and institutes affiliated with universities (19) are roughly equal in number. The top three provinces in terms of number of institutes are Guangdong (9), Beijing (6) and Jiangsu/Liaoning (tied for 5). The number of institutes and the number of cases is positively correlated with the economic development level of different provinces. Among all institutes, the Institute of Forensic Science (Ministry of Public Security, China) provided FP services for at least 11 provinces.

(2) Cause of action.

The criminal, civil and administrative cases accounted for 50.7%, 48.4% and 0.9%, respectively. The criminal cases are predominated by forensic voice comparison (FVC); while the civil cases are predominated by audio authentication (AA). The most criminal cases involve drug crimes, followed by fraud crimes; while the most civil cases involve contract disputes, followed by labor disputes.

(3) Recording methods and devices.

The voice recording methods in the current casework are still predominated by call recording (52.9%), followed by face-to-face direct recording (30.0%) and WeChat voice messages (12.3%). Recording devices are mainly cell phones (67.9%) and digital voice recorder (15.3%).

(4) Forensic tasks.

¹ <http://www.chinacourt.org/law/detail/2013/11/id/147242.shtml>

² <http://wenshu.court.gov.cn/>

³ <https://www.itslaw.com/>

FSC (59.3%) and AA (31.1%) are the first two commonest tasks. Although some tasks are still controversial, like audio originality examination, recording time detection and original recorder examination, they do exist in the court practice, accounting for about 7% of the entire cases. (see figure 1)

(5) Form of expert opinions.

Among the 5-level verbal probability scale framework for FVC, “identification” accounted for 83.1%, followed by “possible identification” (9.2%). For AA, the main form of expert opinion is “the questioned recording is not found to be edited” (72.6%). For audio originality examination, the most common form of expert opinion is “there is no indication that the questioned recording is not the original recording” (50%).

(6) Speaker gender and age.

The ratio of male speakers to female speakers in FVC cases is about 4 to 1. The average (standard deviation) age of male and female speakers is 39.6 (10.4) and 42.2 (12.2) years old, respectively.

(7) Expert witness in court.

The rate of expert witness testifying in court is only about 2% (5/244).

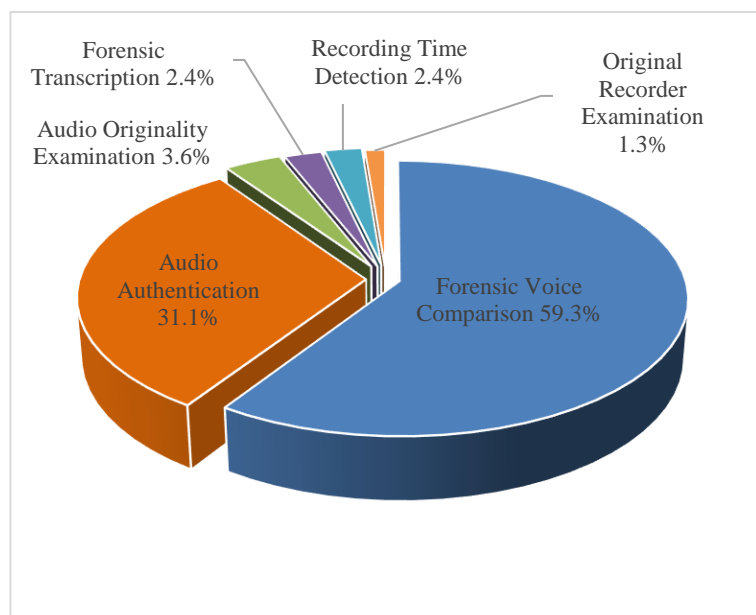


Figure 1. A pie chart with percentage for the six specific tasks.

References

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